



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
Mike Bowling et al. )  
 )  
Serial No.: 10/630,290 )  
 )  
Filed: July 30, 2003 )  
 )  
For: Method of Wastewater Treatment )  
Utilizing White Rot and Brown Rot Fungi )

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

**THIRD RESPONSE TO DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)**

Sir:

The Applicant has received the Decision dated December 13, 2004. Once again, the Petition was dismissed.

However, in the decision of December 13, 2004, all but one issue has been corrected, and the only remaining issue appears to be a missing element of 37 CFR 1.47(a)(2). Specifically, the first page of the Declaration was inadvertently omitted from the submission.

Enclosed is the Declaration in the format as requested by the Patent Office. Accordingly, with this submission, the Petition is believed to finally be provided in an acceptable form.

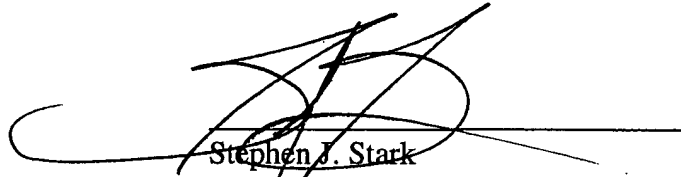
The Applicant sincerely appreciates the Office's help in providing the necessary supplemental filings to provide an appropriate Petition.

Patent/Trademark Database Updated  
(circle one)

Date: 1-5-05

Initials: Ben

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Stephen J. Stark', is written over a horizontal line. The signature is stylized with a large, sweeping 'S' and a crossbar that extends to the right.

Stephen J. Stark

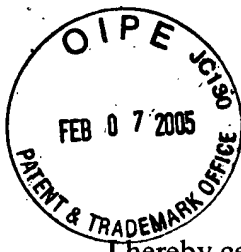
Reg. No. 43,152

Attorney for Applicant

832 Georgia Ave., Suite 1000

Chattanooga, TN 37402-2289

(423) 785-8229

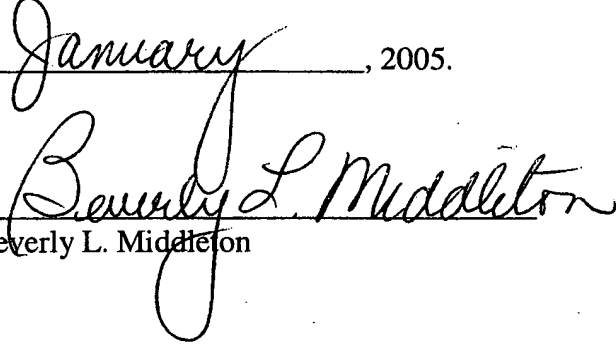


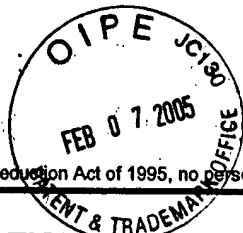
## CERTIFICATE OF MAILING

I hereby certify that the preceding Brief on Appeal is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

On this 5th day of January, 2005.

  
Beverly L. Middleton



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☒ Declaration Submitted with Initial Filing OR ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

**Attorney Docket Number** 10326-0001 33,212

**First Named Inventor** Bowling et al.

**COMPLETE IF KNOWN**

**Application Number**

**Filing Date**

**Art Unit**

**Examiner Name**

**As the below named inventor, I hereby declare that:**

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD OF WASTEWATER TREATMENT UTILIZING WHITE ROT AND BROWN ROT FUNGI**

*(Title of the Invention)*

the specification of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
None			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ☐ Customer Number or Bar Code Label **03490** OR ☒ Correspondence address below

Alan Ruderman

Name

Miller & Martin LLP

Address

Suite 1000 Volunteer Building; 832 Georgia Avenue

Chattanooga

City

Tennessee

State

37402-2289

ZIP

USA

Country

(423) 756-6600

Telephone

(423) 785-8480

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventor

Given Name Michael  
(first and middle [if any])

Family Name Bowling  
or Surname

Inventor's  
Signature

*Michael Bowling*

Date 7/7/03

Hixson

Residence: City

Tennessee

State

USA

Country

USA

Citizenship

6613 Schooner Bay Lane

Mailing Address

Hixson

City

Tennessee

State

37343

ZIP

USA

Country

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name Phil  
(first and middle [if any])

Family Name Adams  
or Surname

Inventor's  
Signature

Date

Roswell

Residence: City

Georgia

State

USA

Country

USA

Citizenship

3075 Foxhall Overlook

Mailing Address

Roswell

City

Georgia

State

30075

ZIP

USA

Country

☐ Additional Inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.